

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRENDON FOSTER,

Plaintiff,

v.

J. PETERS, *et al.*,

Defendants.

Case No.: 3:25-cv-00096-ART-CSD

ORDER

I. DISCUSSION

On February 18, 2025, pro se plaintiff Brendon Foster, an inmate in the custody of the Humboldt County Detention Center, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff states that he was not able to get certain financial paperwork because correctional officers refused to provide it. (ECF No. 1 at 6). Given the documents that Plaintiff has provided, the Court considers that application to proceed *in forma pauperis* complete and will consider the merits of the application at a later time.

However, Plaintiff did not include the final page of the Court's standard complaint form with his complaint. This final page includes a place for Plaintiff to sign his name and attest under penalty of perjury that the allegations in the complaint are true. Under the Federal Rules of Civil Procedure, an unrepresented party must sign any documents he files. Fed. R. Civ. P. 11(a). The Court cannot consider the complaint because Plaintiff did not personally sign it. If Plaintiff wants to proceed with this action, he must file an amended complaint that he has signed personally. Plaintiff is advised that an amended complaint replaces the original complaint, so the amended complaint must be complete in itself. See *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989). This means the amended complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes to pursue in this action. The submission of a mere

signature page will not be enough. Moreover, Plaintiff should file the amended complaint on this Court's approved civil-rights form, and it must be titled "First Amended Complaint."

II. CONCLUSION

It is therefore ordered that Plaintiff has **until April 7, 2025**, to submit a signed amended complaint to this Court.

Plaintiff is cautioned that this action will be subject to dismissal without prejudice if Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file a complete, signed complaint.

DATED: March 7, 2025.


UNITED STATES MAGISTRATE JUDGE